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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,630	12/05/2003	Shinichi Ishizuka	041514-5186-01	9110

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EXAMINER	
OSORIO, RICARDO	

ART UNIT	PAPER NUMBER
2673	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/727,630	ISHIZUKA ET AL.	
	Examiner	Art Unit	
	RICARDO L. OSORIO	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/624,194.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12052003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 13-15 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,707,438. Although the conflicting claims are not identical, they are not patentably distinct from each other because Claims 13-15 of the instant application contain all the limitations of claims 1-12 of U.S. Patent No. 6,707,438, however, claims 13-15 are broader. The omission of an element and its function where not needed is obvious. Ex parte Rainu, 168 USPQ 375 (PTO Bd. Of App. 1969). The omission of an element and its function in a combination is an obvious expedient if the remaining elements perform the same as before. In re Karlson, 136 USPQ 184 (CCPA 1963).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (APA from here on) in view of Norman et al. (5,719,589) and further in view of Young et al. (5,075,596).

Under claim 13, APA teaches of an apparatus for driving a multi-color light-emitting display panel including a plurality of drive lines and a plurality of scanning lines intersecting with each other, and a plurality of capacitive light-emitting elements having polarities connected to said scanning lines and said drive lines at a plurality of intersections of said drive lines and said scanning lines, and being divided into a plurality of types by color or light emission, said capacitive light emitting elements of the same color being arranged on each of said plurality of drive lines (page 3, line 7-page 4, line 5), comprising drive means for supplying a drive current to at least one drive line which is connected to at least one of the capacitive light emitting elements to be driven by light (page 4, lines 14-19).

However, APA does not precisely teach of applying a potential to drive lines other than the at least one drive line so as to apply an offset voltage, equal to or less than a light emission threshold voltage of said elements, to capacitive light-emitting elements other than the at least one capacitive light-emitting element.

Norman teaches of a potential (Fig. 3, element VC), to drive lines other than the at least one drive line so as to apply an offset voltage, equal to or less than a light emission threshold voltage of said elements, to capacitive light-emitting elements other than the at least one capacitive light-emitting element, (col. 7, lines 10-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a potential, as taught by Norman, in the device of APA because the values of the row and column offset voltages can be selected as desired, and, also, because the final product is considerably smaller, lighter, and less expensive (col. 7, lines 15-18).

The device of APA, as anticipated by Norman, fails to teach that said second and third potentials, and said current source are variable.

Young teaches of variable voltage and current sources (col. 2, lines 14-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have variable current or voltage sources, as taught by Young, in the combined device of APA and Norman to maintain a constant slope dt/dv at each pixel regardless of variations on load conditions (col. 2, lines 15-17). Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have variable voltage or current sources, as taught by Young, in the combined device of APA and Norman because it overwhelmingly known in the art of electronics that variable voltage and current sources are used for applying voltage and/or current that can be finely adjusted.

Regarding claim 14, APA teaches of organic electroluminescent elements (page 1, lines 14-22).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Norman and Young as applied to claims 1 and 11 above, and further in view of Van de Ven (5,812,105).

Regarding claim 15, the device of APA, as anticipated by Norman and Young, fails to teach of the drive current and the potential being different for each color type of the capacitive light emitting elements arranged on each of said drive lines.

Van de Ven teaches of drive current and the potential being different for each color type of the LED elements arranged on each of said drive lines (col. 5, lines 8-14, col. 9, lines 45-62 and col. 11, lines 15-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have different drive current and potential for each color, as taught by Van de Ven, in the combined device of APA, Norman and Young to provide a system for driving a true color display which improves the color and brightness of the display (col. 5, lines 1-3).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 571-272-7676. The examiner can normally be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 571-272-7681.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

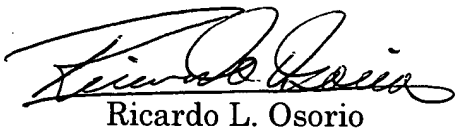
Washington, D.C. 20231

or faxed to:

571-273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window at the Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ricardo L. Osorio
Primary Examiner
Art Unit: 2673

RLO
October 24, 2005